

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1956 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RAMESHBHAI GORDHANBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 1956 of 2002
MS ARCHANA U AMIN for Petitioner No. 1
MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 08/02/2002

ORAL JUDGEMENT

Rule. Mr. D.N.Patel, learned Standing Counsel
appearing for the Government of India waives service of
Rule on behalf of the respondent. Heard Ms. Amin,
learned advocate for the petitioner and Mr. Patel,

learned standing counsel for the respondent. During the hearing, Ms. Amin, for the petitioner has taken me through the petition and documents attached thereto. It is her contention that the passport authority had issued a passport in favour of the petitioner considering his application dated 10th May, 2001 showing the birth date of the petitioner as 23rd June, 1949. The xerox copy of the passport is annexed to the petition as Annexure C. It is the case of the petitioner that at the time of submitting the application for passport while submitting the documents, the petitioner had relied upon the school leaving certificate issued by School authority namely, Principal, New English School, Nadiad dated 2nd June, 1967 showing the date of birth of the petitioner as 23rd June, 1949. It is the case of the petitioner that the petitioner has got admission in the school on the strength of disclosure of the birth date as 23rd June, 1949 and after clearing the S.S.C. Examination, the school authority has issued certificate on 2nd June, 1967. It is the case of the petitioner that the actual birth date of the petitioner is 2nd July, 1949, for which, the petitioner has relied upon the certificate issued by the Nagar Palika, Nadiad. The birth date of the petitioner in the said certificate shows the birth date of the petitioner as 2nd July, 1949 and the same was registered in the register maintained by the Nagar Palika on the very same day and said certificate was obtained by the petitioner on 2nd February, 2002. Accordingly, for correcting the date of birth in the passport as per the municipal certificate, the petitioner has approached the respondent authority for correcting the date of birth of the petitioner in the passport. It is also submitted that as per Rules, the respondent Authority will not correct the birth date as requested by the petitioner unless and until, necessary orders are obtained from the Hon'ble Court and accordingly, this petition is filed for seeking necessary direction.

2. Mr. Patel, learned Standing Counsel for the respondent has submitted that in the passport application submitted by the petitioner, the petitioner has furnished school leaving certificate showing his birth date as 23rd June, 1949 and accordingly, while issuing passport, the authority has rightly inserted the birth date of the petitioner as 23rd June, 1949 and there is no power to the authority to change the birth date of the petitioner.

3. In the aforesaid facts and circumstances and as highlighted in the petition that the actual birth date as found from the birth certificate issued by Nagar Palika, Nadiad shows that the birth date of the petitioner is 2nd

July, 1949 as per the birth certificate dated 2.2.2002, it will be in the fitness of the thing, the authority is required to consider for effecting the change of birth date in the pass port of the petitioner. Accordingly, the respondent authority is directed to consider the request made by the petitioner for change of birth date in the pass port of the petitioner issued by the authority and if, it is fit genuine, the authority is directed to effect the change as requested by the petitioner and necessary steps be taken for correcting the birth date of the petitioner in the pass port.

4. Ms. Amin, learned advocate for the petitioner has stated that the petitioner will apply for new passport and the respondent is required to examine the application of the petitioner as expeditiously as possible. It is directed that if the petitioner will apply fresh, the application of the petitioner will decide as expeditiously as possible.

5. With these observations, this petition is disposed of. It is further directed that respondent authority will be at liberty to pass appropriate order with regard to the costs of proceedings of new pass port and the petitioner is required to pay all the costs. Direct service permitted.

(D.K.Trivedi,J.)
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